IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2315 OF 2006
IN
REVIEW PETITION ST.NO.32588 OF 2004
IN
CIVIL APPLICATION NO.458 OF 2004
IN
WRIT PETITION NO.7050 OF 2003

Shri Shivaji Hanmant Sugare. ..Applicant.

V/s.

Kamal B. Gunge & Ors. ..Respondents.

Mr. Shrishail Sakhare for applicant.

Mr.Viresh V. Purwant for respondent Nos. 1,2 and 4.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 29, 2006.

P.C. :

1. Heard counsel for the parties. Perused the pleadings.

2. Although this application is opposed, in the interest of justice, I am inclined to allow this application as it is obvious that lapse is because of advocate’s fault. It is well established that litigant should not suffer for the mistake of the advocate. While showing indulgence to the applicant, it is ordered that the advocate on record shall personally pay costs quantified at Rs.750/- to the

High Court Legal Services Committee within one week from today.

3. Accordingly, this application is allowed in terms of prayer clause (a) on the above terms.

4. If cost is not deposited in time, it will be assumed that this application is dismissed for non-prosecution.